

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Chris Doop,

Plaintiff

v.

Wellpath,

Defendant

Case No.: 2:22-cv-02079-APG-VCF

Order Dismissing Case

Plaintiff Chris Doop brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated at Clark County Detention Center (CCDC) and while under commitment at Stein Psychiatric Hospital. ECF No. 5. On March 30, 2023, I dismissed his complaint with leave to amend. ECF No. 4. On May 2, 2023, I granted in part Doop’s motion for an extension of time and extended the deadline to file an amended complaint to June 15, 2023. ECF No. 10. That order was served on Doop at his address of record. *See id.* That order was returned as being undeliverable, with the notation “Return to Sender, No Such Number, Unable to Forward.” ECF No. 11. Local Rule IA 3-1 prescribes that a party must immediately file with the court written notification of any change of address. The deadline to file an amended complaint has expired, and Doop has not contacted the court in any way.

I. Discussion

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See*

1 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply
2 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S.*
3 *Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court
4 order). In determining whether to dismiss an action on one of these grounds, I must consider: (1)
5 the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its
6 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of
7 cases on their merits; and (5) the availability of less drastic alternatives. *See In re*
8 *Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*
9 *v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)).

10 The first two factors, the public’s interest in expeditiously resolving this litigation and the
11 court’s interest in managing its docket, weigh in favor of dismissal of Doop’s claims. The third
12 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption
13 of injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the
14 court or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The
15 fourth factor—the public policy favoring disposition of cases on their merits—is greatly
16 outweighed by the factors favoring dismissal.

17 The fifth factor requires me to consider whether less drastic alternatives can be used to
18 correct the party’s failure that brought about the court’s need to consider dismissal. *See Yourish*
19 *v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
20 alternatives *before* the party has disobeyed a court order does not satisfy this factor); *accord*
21 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive
22 force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives
23 prior to disobedience of the court’s order as satisfying this element[,]” *i.e.*, like the “initial

1 granting of leave to amend coupled with the warning of dismissal for failure to comply[,]” have
2 been “eroded” by *Yourish*). Courts “need not exhaust every sanction short of dismissal before
3 finally dismissing a case, but must explore possible and meaningful alternatives.” *Henderson v.*
4 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed
5 without the ability for the court and the defendant to send Doop case-related documents, filings,
6 and orders, the only alternative is to enter a second order setting another deadline. But without an
7 updated address, the likelihood that the second order would even reach Doop is low, so issuing a
8 second order will only delay the inevitable and further squander the court’s finite resources.
9 Setting another deadline is not a meaningful alternative given these circumstances. So the fifth
10 factor favors dismissal.

11 **II. Conclusion**

12 Having thoroughly considered these dismissal factors, I find that they weigh in favor of
13 dismissal. It is therefore ordered that this action is dismissed without prejudice based on Doop’s
14 failure to file an updated address. The Clerk of Court is directed to enter judgment accordingly
15 and close this case. No other documents may be filed in this now-closed case. If Doop wishes to
16 pursue his claims, he must file a complaint in a new case and provide the court with his current
17 address.

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19 DATED this 26th day of June, 2023.

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21 

22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE